

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEMOCRATIC NATIONAL COMMITTEE,

Plaintiff,

- against -

THE RUSSIAN FEDERATION et al.,

Defendants.

18 Civ. 3501 (JGK)

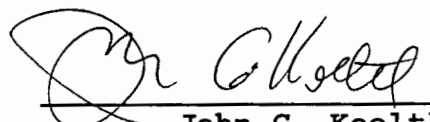
ORDER

JOHN G. KOELTL, District Judge:

The Court has received the attached communication from the United States Department of State relating to the attempted service on the Russian Federation and other entities in Russia. The communication will be filed on the docket together with this Order.

SO ORDERED.

Dated: New York, New York
November 19, 2018



John G. Koeltl
United States District Judge

USDC SDNY
DOCUMENT
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DATE FILED: 11-20-18



United States Department of State

Washington, D.C. 20520

October 18, 2018

Ruby J. Krajick
Clerk of Court
U.S. District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

**Re: Democratic National Committee v. The Russian Federation et. al,
18-cv-03501 (JGK)**

Dear Ms. Krajick:

I am writing regarding the Court's request for service of a Summons, Complaint, U.S. District Court for the Southern District of New York Electronic Case Filing Rules and Instructions, Individual Practices of Judge John G. Koeltl, and Notice of Suit to the Russian Federation, the General Staff of the Armed Forces of the Russian Federation, and the GRU Operative Using Pseudonym "Guccifer 2.0" pursuant to 28 U.S.C. Section 1608(a)(4) as defendants in the above referenced lawsuit.

In the Department's previous letter dated September 20, 2018, we indicated that the United States Embassy in Moscow, Russia transmitted the documents to the Ministry of Foreign Affairs of the Russian Federation under cover of diplomatic notes Nos. MFA 080-2018, MFA 081-2018, and MFA 082-2018, dated and delivered September 7, 2018.

Subsequently, the U.S. Embassy in Moscow received a reply from the Russian Ministry of Foreign Affairs in the form of a diplomatic note dated September 27, 2018. While the Foreign Sovereign Immunities Act, 28 U.S.C. 1608, does not contemplate the use of the diplomatic channel as a means for defendant foreign States to respond to service of process, in certain cases foreign governments will provide replies via the diplomatic channel. When this occurs it is our practice to provide the sending court with these documents. Therefore, I am including a copy of the diplomatic note in Russian as well as an informal translation of the note the U.S. Embassy prepared.

Cc: Joseph Sellers
Cohen Milstein
1100 New York Ave. NW, Fifth Floor
Washington, DC 20005

№ 5448/дса

Приложение:
упомянутое,
на 441 лл.

Министерство Иностранных Дел Российской Федерации свидетельствует свое уважение Посольству Соединенных Штатов Америки и, ссылаясь на ноты Посольства MFA 80/2018, MFA 81/2018, MFA 82/2018 от 7 сентября 2018 года, имеет честь возвратить документы Федерального окружного суда США Южного округа Нью-Йорка по иску «Национальный комитет Демократической партии против Российской Федерации и др.».».

Осуществление судами США юрисдикции в отношении Российской Федерации по рассматриваемому делу является нарушением международного права, а именно юрисдикционных иммунитетов Российской Федерации, вытекающих из принципа суверенного равенства государств.

Министерство имеет честь подтвердить, что Российская Федерация не давала и не имеет в виду давать согласие на разбирательство данного дела в судах США.

ПОСОЛЬСТВУ
СОЕДИНЕННЫХ ШТАТОВ АМЕРИКИ

г. Москва

Министерство просит Посольство довести вышеизложенную позицию до сведения компетентных судов США.

Министерство имеет честь также просить о принятии компетентными органами США незамедлительных мер с целью прекращения действий, нарушающих иммунитет Российской Федерации.

Ничто в настоящей ноте не может быть истолковано как подтверждение надлежащего уведомления Российской Федерации, Правительства Российской Федерации или соответствующих органов исполнительной власти Российской Федерации, ее физических и юридических лиц либо как отказ Российской Федерации от юрисдикционных иммунитетов в отношении себя или своей собственности.

Министерство пользуется случаем, чтобы возобновить Посольству уверения в своем уважении.



Москва, « 27 » сентября 2018 года

**MINISTRY
OF FOREIGN AFFAIRS
OF THE RUSSIAN FEDERATION**

No. 5343/dsa

Enclosure:
as stated, on
441 pages.

The Ministry of Foreign Affairs of the Russian Federation presents its compliments to the Embassy of the United States of America and, citing the Embassy's notes MFA 80/2018, MFA 81/2018, and MFA 82/2018 of September 7, 2018, has the honor of returning the documents of the U. S. Federal District Court for the Southern District of New York concerning the claim 'The Democratic Party National Committee versus the Russian Federation, etc'.

Exercise by U. S. courts of jurisdiction with respect to the Russian Federation in the case in question is a violation of international law, namely, of jurisdictional immunities of the Russian Federation stemming from the principle of sovereign equality of states.

The Ministry has the honor of confirming that the Russian Federation has not given nor does it mean to give consent to the trial of this case in U. S. courts.

The Ministry is asking the Embassy to bring the above stance to the attention of competent U. S. courts.

The Ministry also has the honor of asking that competent U. S. bodies take immediate action to stop the actions that violate the immunity of the Russian Federation.

Nothing in this note shall be construed as a confirmation of proper notification of the Russian Federation, the Government of the Russian Federation, or relevant executive bodies of the Russian Federation, its physical or legal entities or as a waiver by the Russian Federation of its jurisdictional immunities with respect to itself or its property.

The Ministry avails itself of the opportunity to extend to the Embassy renewed assurances of its high consideration.

Moscow, September 27, 2018

TO THE EMBASSY OF THE
UNITED STATES OF AMERICA

Moscow